

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 117 - SB 1133

February 27, 2011

SUMMARY OF BILL: Creates an offense for an owner, keeper, or harbinger of any dangerous, vicious, or wild animal to fail to restrain the dog while outdoors on a leash or similar device in such person's immediate control or in a pen or other enclosure reasonably certain to prevent the animal from leaving the pen or enclosure. Punishment for violations range from a Class C misdemeanor to a Class C felony with fines ranging from \$100 to \$25,000. Creates a Class C misdemeanor, punishable by fine only of \$50, for an owner, keeper, or harbinger to fail to post visible notice on such person's property warning others that a dangerous, vicious, or wild animal is on the property. Each day that a violation occurs constitutes a separate offense. States that a person who is immune from civil liability under present law would not be a "harbinger or keeper" under the proposed bill. Defines "animal," "dangerous animal," "domesticated animal," "enclosure," "harbinger or keeper," "owner," "police animal," "vicious animal," "wild animal," and "without provocation."

ESTIMATED FISCAL IMPACT:

Increase State Revenue – Not Significant

Increase State Expenditures - \$23,700/Incarceration*

Increase Local Revenue – Not Significant

Increase Local Expenditures – Not Significant

Assumptions:

- Currently, the owner of a dog commits an offense if the dog goes uncontrolled by the owner on the premises of another without the consent of the property owner or goes uncontrolled on a highway, public road, street, or any other place open to the public.
- Punishment for a violation ranges from a Class C misdemeanor to a Class D felony unless the violation involves any dangerous, vicious, or wild animal that was trained to fight, attack, or kill; had been used to fight; or had previously bitten someone resulting in serious bodily injury or death and the owner, keeper, or harbinger knew of the dangerous nature of the dangerous, vicious, or wild animal. Violations with enhancement factors carry punishments ranging from a Class B misdemeanor to a Class C felony.
- The proposed bill sets fines for each offense. If the dangerous, vicious, or wild animal causes serious bodily injury or death, the court is granted discretion to determine the length of sentence.

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- According to the Department of Correction (DOC), there have been no admissions for offenses committed under Tenn. Code. Ann. § 44-8-408 in the past 10 years. DOC estimates this bill will result in one additional Class E and one additional Class D felony offense every three years due to the expansion in the law.
- According to DOC, the average operating cost per offender per day for calendar year 2011 is \$60.62. The average post-conviction time served for a Class E felony is 1.27 years (463.87 days) at a cost of \$28,119.80 (\$60.62 x 463.87 days). The average post-conviction time served for a Class D felony is 1.97 years (719.54 days) at a cost of \$43,618.51 (\$60.62 x 719.54 days).
- The annualized cost per conviction for a Class E felony is \$9,279.53 (0.33 annual number of convictions x \$60.62 x 463.87 days). The annualized cost per conviction for a Class D felony is \$14,394.11 (0.33 annual number of convictions x \$60.62 x 719.54 days).
- The total additional operating cost is \$23,673.64 (\$9,279.53 + \$14,394.11).
- There will not be a sufficient number of misdemeanor prosecutions for state or local government to experience any significant increase in revenue or expenditures.
- Based on the Fiscal Review Committee's 2008 study of incarceration costs and fines, collection of fines for felony offenses is negligible. There will not be a significant increase in revenue as a result of this bill.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

/lsc